

EXHIBIT A



home

our approach

practice areas

attorneys

Benjamin B. Au
Adam R. Brausa
Johanna Calabria
Daralyn J. Durie
Michael A. Feldman
Joseph C. Gratz
Ryan M. Kent
Mark A. Lemley
Joshua H. Lerner
Sonali D. Maitra
David F. McGowan
Sonal N. Mehta
Laura E. Miller
Leeron Morad
Michael H. Page
Andrew L. Perito
Clement S. Roberts
Robert S. J. Rogoyski
Tim Saulsbury
Ragesh K. Tangri
James S. Tsuei

staff

what's new

contact

Mark A. Lemley

✉ [Email Mark](#) 📄 [Download vCard](#) ☎ 415-362-6666

A.B., Stanford University, Political Science, 1988
J.D., Boalt Hall, University of California, Berkeley, 1991

Mark is a founding partner of Durie Tangri LLP. He litigates and counsels clients in all areas of intellectual property, antitrust, and Internet law. He has argued nineteen Federal appellate cases and numerous district court cases as well as before the California Supreme Court, and represented clients including Genentech, DISH Network, Google, Grokster, Guidewire, Hummer Winblad, Netflix, and the University of Colorado Foundation in over 95 cases in his more than two decades as a lawyer.

Mark Lemley is the William H. Neukom Professor of Law at Stanford Law School and the Director of the Stanford Program in Law, Science and Technology. He teaches intellectual property, computer and Internet law, patent law, and antitrust. He is the author of seven books (most in multiple editions) and 146 articles on these and related subjects, including the two-volume treatise *IP and Antitrust*. His works have been cited over 200 times by courts, including eleven United States Supreme Court opinions, and over 13,000 times in books and law review articles, making him one of the five most-cited legal scholars in the world. He has published 9 of the 100 most-cited law review articles of the last twenty years, more than any other scholar, and a 2012 empirical study named him the most relevant law professor in the country. He has taught intellectual property law to federal and state judges at numerous Federal Judicial Center and ABA programs, has testified seven times before Congress and numerous times before the California legislature, the Federal Trade Commission and the Antitrust Modernization Commission on patent, trade secret, antitrust and constitutional law matters, and has filed numerous amicus briefs before the U.S. Supreme Court, the California Supreme Court, and the federal circuit courts of appeals.

Mark is the founder and a board member of Lex Machina, Inc., a startup company providing data and analytics around IP disputes to law firms, companies, courts, and policy-makers.

Mark has been named California Lawyer's Attorney of the Year, Best Lawyers' San Francisco IP Lawyer of the Year, and a Young Global Leader by the Davos World Economic Forum. In 2009 he received the California State Bar's inaugural IP Vanguard award. In 2002 he was chosen Boalt's Young Alumnus of the Year. He has been recognized as one of the top 50 litigators in the country under 45 by the American Lawyer, one of the 100 most influential lawyers in the nation by the National Law Journal, one of the 10 most admired attorneys in IP by IP360, one of the 25 most influential people in IP by the American Lawyer, one of the top intellectual property lawyers in California and one of the 100 most influential lawyers in California by the Daily Journal, among other honors. He is a member of the American Law Institute.

After graduating from law school, Mark clerked for Judge Dorothy Nelson on the United States Court of Appeals for the Ninth Circuit, and has practiced law in Silicon Valley with Brown & Bain and with Fish & Richardson and in San Francisco with Kecker & Van Nest. Until January 2000, he was the Marrs McLean Professor of Law at the University of



Texas School of Law, and until June 2004 he was the Elizabeth Josslyn Boalt Professor of Law at the Boalt Hall School of Law, University of California at Berkeley.

In his spare time, Mark enjoys cooking, travel, yoga, and feeding his addiction to fantasy RPGs.

selected publications

- » Lemley, Mark A., Is the Sky Falling on the Content Industries? (August 10, 2010).
- » Lemley, Mark A. and McKenna, Mark P., Owning Mark(et)s (May 12, 2010). Stanford Law and Economics Olin Working Paper No. 395.
- » Lemley, Mark A., Where to File Your Patent Case. Stanford Public Law Working Paper No. 1597919, 2010.
- » Lemley, Mark A., A New Balance between IP and Antitrust (April 2007). Stanford Law and Economics Olin Working Paper No. 340.
- » Lemley, Mark A. and Shapiro, Carl, Patent Holdup and Royalty Stacking. Texas Law Review, Vol. 85, 2007.
- » Lemley, Mark A., Terms of Use. Minnesota Law Review, Vol. 91, 2006.
- » Lemley, Mark A., Property, Intellectual Property, and Free Riding. Texas Law Review, Vol. 83, p. 1031, 2005.
- » Lemley, Mark A., Lichtman, Douglas Gary and Sampat, Bhaven N., What to do About Bad Patents. Regulation, Vol. 28, No. 4, pp. 10-13, Winter 2005-2006.
- » Lemley, Mark A., O'Brien, David W., Kent, Ryan M., Ramani, Ashok and Van Nest, Robert, Divided Infringement Claims. American Intellectual Property Law Association Quarterly Journal, Vol. 33, 255, 2005.
- » Lemley, Mark A., Ex Ante Versus Ex Post Justifications for Intellectual Property. UC Berkeley Public Law Research Paper No. 144. 2004.
- » Lemley, Mark A. and Reese, R. Anthony, Reducing Digital Copyright Infringement Without Restricting Innovation. Stanford Law Review, Vol. 56, p. 1345, 2004.
- » Lemley, Mark A. and Moore, Kimberly A., Ending Abuse of Patent Continuations (2003). George Mason Law & Economics Research Paper No. 03-52.
- » Lemley, Mark A. and Burk, Dan L., Policy Levers in Patent Law. Virginia Law Review, Vol. 89, p. 1575, 2003.
- » Lemley, Mark A., Intellectual Property Rights and Standard-Setting Organizations (April 2002). California Law Review, Vol. 90, p. 1889, 2002.
- » Lemley, Mark A., Rational Ignorance at the Patent Office (February 2001). Northwestern University Law Review, Vol. 95, No. 4, 2001.
- » Lemley, Mark A. and Cohen, Julie E., Patent Scope and Innovation in the Software Industry. California Law Review, Vol. 89, P. 1, 2001.
- » Lemley, Mark A. and Lessig, Lawrence, The End of End-to-End: Preserving the Architecture of the Internet in the Broadband Era (October 2000). UC Berkeley Law & Econ Research Paper No. 2000-19.
- » Lemley, Mark A. and McGowan, David, Legal Implications of Network Economic Effects. 86 Cal. L. Rev. 479, 1998.
- » Lemley, Mark A., Dealing With Overlapping Copyrights on the Internet. University of Dayton Law Review, Vol. 22, P. 547, 1997.
- » Lemley, Mark A., Antitrust and the Internet Standardization Problem. Connecticut Law Review, Vol. 28, p. 1041, 1996.
- » Allison, John R., Lemley, Mark A., Moore, Kimberly A. and Trunkey, R. Derek, Valuable Patents. Georgetown Law Journal, Vol. 92, p. 435, 2004.
- » Allison, John R. and Lemley, Mark A., Empirical Evidence on the Validity of Litigated Patents (July 1998).
- » Hovenkamp, Herbert J., Janis, Mark D. and Lemley, Mark A.,

Anticompetitive Settlement of Intellectual Property Disputes. Minnesota Law Review, Vol. 87, p. 1719, 2003.

» Burk, Dan L. and Lemley, Mark A., Is Patent Law Technology-Specific?. Berkeley Tech. Law Journal, Vol. 17, p. 1155, 2002.

» Allison, John R. and Lemley, Mark A., Who's Patenting What? An Empirical Exploration of Patent Prosecution. Vanderbilt Law Review, Vol. 53, p. 2099, 2000.

» Lemley, Mark A. and Burk, Dan L., Biotechnology's Uncertainty Principle. Case Western Reserve Law Review, Vol. 54, p. 691, 2004;

» Lemley, Mark A., The Modern Lanham Act and the Death of Common Sense (January 1999).

» Lemley, Mark A. and Myhrvold, Nathan, How to Make a Patent Market (August 2007). Stanford Law and Economics Olin Working Paper No. 347.

» Lemley, Mark A., Rationalizing Internet Safe Harbors (April 10, 2007). Stanford Public Law Working Paper No. 979836.

» Lemley, Mark A., Beyond Preemption: The Federal Law and Policy of Intellectual Property Licensing (June 1, 1998). California Law Review, Vol. 87, p. 111, 1999.

» Lemley, Mark A. and Shapiro, Carl, Probabilistic Patents. Journal of Economic Perspectives, Vol. 19, p. 75, 2005.

» Lemley, Mark A., Patenting Nanotechnology. Stanford Law Review, Vol. 58, November 2005.

» Lemley, Mark A., Place and Cyberspace (November 2002). California Law Review, Vol. 91, p. 521, 2003.

» Lemley, Mark A., Are Universities Patent Trolls? (April 11, 2007). Stanford Public Law Working Paper No. 980776.

» Lemley, Mark A., Standardizing Government Standard-Setting Policy for Electronic Commerce (April 29, 1999).

» Burk, Dan L. and Lemley, Mark A., Designing Optimal Software Patents. INTELLECTUAL PROPERTY RIGHTS IN FRONTIER INDUSTRIES: SOFTWARE AND BIOTECHNOLOGY, Robert Hahn, ed., 2005.

» Lemley, Mark A., Ten Things to do About Patent Holdup of Standards (and One Not To). Boston College Law, Vol. 48, p. 149, 2007.

» Lemley, Mark A., Romantic Authorship and the Rhetoric of Property. Texas Law Review, Vol. 75, P. 873, 1997.

» Burk, Dan L. and Lemley, Mark A., Inherency. William & Mary Law Review, Vol. 47, No. 2, 2005

» Allison, John R. and Lemley, Mark A., The Growing Complexity of the United States Patent System. Boston University Law Review, Vol. 82, p. 77, 2002.

» Lemley, Mark A., The Changing Meaning of Patent Claim Terms. Michigan Law Review, Vol. 104, p. 101, 2005.

» Lemley, Mark A. and Frischmann, Brett M., Spillovers. Columbia Law Review, Vol. 100, No. 2, 2006.

» Lemley, Mark A., The Law and Economics of Internet Norms. Chicago-Kent Law Review, Vol. 73, pp. 1257-1294, 1998.

» Lemley, Mark A. and McGowan, David, Could Java Change Everything? The Competitive Propriety of a Proprietary Standard. Antitrust Bulletin, Vol. 43, p. 715, 1998.

» Lemley, Mark A., Distinguishing Lost Profits from Reasonable Royalties. William & Mary Law Review, Vol. 51, 2009.

» Hovenkamp, Herbert J., Janis, Mark D. and Lemley, Mark A., Unilateral Refusals to License in the U.S. (April 2005). Stanford Law and Economics Olin Working Paper No. 303.

» Lemley, Mark A. and Weiser, Phil, Should Property or Liability Rules Govern Information?. Texas Law Review, Vol. 85, p. 783, 2007;

» Lemley, Mark A., An Antitrust Assessment of the Google Book Search Settlement (July 8, 2009).

» Dogan, Stacey L. and Lemley, Mark A., Trademarks and Consumer

Search Costs on the Internet. *Houston Law Review*, Vol. 41, p. 777, 2004.

» Cotropia, Christopher Anthony, Lemley, Mark A. and Sampat, Bhaven N., Do Applicant Patent Citations Matter? Implications for the Presumption of Validity (August 10, 2010).

» Allison, John R. and Lemley, Mark A., How Federal Circuit Judges Vote in Patent Validity Cases. *Florida State University Law Review*, Vol. 29, p. 745, 2000.

» Lemley, Mark A. and Sampat, Bhaven N., Is the Patent Office a Rubber Stamp? (October 21, 2008). *Stanford Public Law Working Paper No. 999098*.

» Allison, John R., Lemley, Mark A. and Walker, J. H., Extreme Value or Trolls on Top? The Characteristics of the Most Litigated Patents. *University of Pennsylvania Law Review*, Vol. 158, No. 1, December 2009.

» Dogan, Stacey L. and Lemley, Mark A., What the Right of Publicity Can Learn from Trademark Law. *Stanford Law Review*, Vol. 58, p. 1161, 2006.

» Sampat, Bhaven N. and Lemley, Mark A., Examining Patent Examination (October 7, 2009). *Stanford Public Law Working Paper No. 1485011*.

» Lemley, Mark A. and Dogan, Stacey L., Grounding Trademark Law Through Trademark Use. *Iowa Law Review*, Vol. 92, 2007.

» Lemley, Mark A. and Chien, Colleen V., Are the U.S. Patent Priority Rules Really Necessary?. *Hastings Law Journal*, Vol. 54, p. 1299, 2003.

» Lemley, Mark A., Inducing Patent Infringement. *UC Davis Law Review*, Vol. 39, p. 225, 2005.

» Lemley, Mark A. and Cohen, Julie E., Patent Scope and Innovation in the Software Industry. *California Law Review*, Vol. 89, p. 1, 2001.

» Lemley, Mark A., Ignoring Patents. *Michigan State Law Review*, Vol. 2008, No. 19, 2008.

» Allison, John R. and Lemley, Mark A., The (Unnoticed) Demise of the Doctrine of Equivalents. *Stanford Law Review*, Vol. 59, 2007.

» Conigliaro, Matthew J., Greenberg, Andrew C. and Lemley, Mark A., Foreseeability in Patent Law. *Berkeley Tech. Law Journal*, Vol. 16, p. 1045, 2001.

» Lichtman, Douglas Gary and Lemley, Mark A., Rethinking Patent Law's Presumption of Validity. *Stanford Law Review*, Forthcoming.

» Lemley, Mark A. and Reese, R. Anthony, A Quick and Inexpensive System for Resolving Digital Copyright Disputes. *Cardozo Arts & Entertainment Law Journal*, Vol. 23, No. 1, 2005.

» Dogan, Stacey L. and Lemley, Mark A., The Merchandising Right: Fragile Theory or Fait Accompli?. *Emory Law Journal*, Vol. 54, p. 461, 2005;

» Burk, Dan L. and Lemley, Mark A., Quantum Patent Mechanics. *Lewis & Clark Law Review*, Vol. 9, p. 29, 2005.

» Froomkin, A. Michael and Lemley, Mark A., ICANN and Antitrust. *University of Illinois Law Review*, Vol. 1, 2003.

» Lemley, Mark A. and Walker, J. H., Intellectual Property Litigation Clearinghouse: Data Overview (November 2, 2007). 2007 Kauffman Symposium on Entrepreneurship and Innovation Data.

» Burk, Dan L. and Lemley, Mark A., Fence Posts or Sign Posts: Rethinking Patent Claim Construction (March 12, 2009). *UC Irvine School of Law Research Paper No. 2009-10*.

» Cotropia, Christopher Anthony and Lemley, Mark A., Copying in Patent Law. *Stanford Public Law Working Paper No. 1270160*.

» Lemley, Mark A., The Surprising Virtues of Treating Trade Secrets as IP Rights (June 2008). *Stanford Law and Economics Olin Working Paper No. 358*.

» Lemley, Mark A. and Volokh, Eugene, Freedom of Speech and Injunctions in Intellectual Property Cases (April 1998).

» Dogan, Stacey L. and Lemley, Mark A., A Search-Costs Theory of Limiting Doctrines in Trademark Law. *Trademark Reporter*, Vol. 97, No. 6,

November-December 2007.

» Lemley, Mark A. and Sampat, Bhaven N., Examiner Characteristics and the Patent Grant Rate (January 1, 2009). Stanford Law and Economics Olin Working Paper No. 369.

» Lemley, Mark A., The Economics of Improvement in Intellectual Property Law (September 1, 2008). Stanford Law and Economics Olin Working Paper No. 365.

» Lemley, Mark A., The Limits of Claim Differentiation (August 22, 2007). Stanford Public Law Working Paper No. 1008885.

» Lemley, Mark A. and Leslie, Christopher R., Categorical Analysis in Antitrust Jurisprudence (November 2007). Stanford Law and Economics Olin Working Paper No. 348.

» Lemley, Mark A. and Shapiro, Carl, Reply: Patent Holdup and Royalty Stacking. Texas Law Review, Vol. 85, 2007.

» Lemley, Mark A. and Tangri, R. K., Ending Patent Law's Willfulness Game. Berkeley Technology Law Journal, Vol. 18, p. 1085, 2003.

» Burk, Dan L. and Lemley, Mark A., The Patent Crisis and How Courts Can Solve It (February 26, 2009). UC Irvine School of Law Research Working Paper No. 2009-8.

» Durie, Daralyn J. and Lemley, Mark A., A Realist Approach to the Obviousness of Inventions. Stanford Public Law Working Paper No. 1133169.

» Lemley, Mark A., Should Patent Infringement Require Proof of Copying? (January 4, 2007).

» Dogan, Stacey L. and Lemley, Mark A., The Trademark Use Requirement in Dilution Cases. Stanford Public Law Working Paper No. 1033165.

» Lemley, Mark A. and McKenna, Mark P., Irrelevant Confusion. Stanford Law Review, Vol. 62, January 2010.

» Dogan, Stacey L. and Lemley, Mark A., Antitrust Law and Regulatory Gaming (October 2008). Stanford Law and Economics Olin Working Paper No. 367.

» Lemley, Mark A., Should a Licensing Market Require Licensing? (July 13, 2006). Stanford Public Law Working Paper No. 917161.

» Lemley, Mark A. and Pooley, James H. A., California Restrictive Employment Covenants after Edwards (November 4, 2008). Stanford Public Law Working Paper No. 1295606.

» mley, Mark A., Risch, Michael, Sichelman, Ted M. and Wagner, R. Polk, Brief Amici Curiae of 20 Law and Business Professors in Support of Neither Party in Bilski v. Doll (August 7, 2009). Stanford Public Law Working Paper No. 1485043.

» Lemley, Mark A., A Cautious Defense of Intellectual Oligopoly with Fringe Competition (May 1, 2009). Stanford Law and Economics Olin Working Paper No. 374.

» Durie, Daralyn J. and Lemley, Mark A., A Structured Approach to Calculating Reasonable Royalties (October 7, 2009). Stanford Public Law Working Paper No. 485064.

» Burk, Dan L. and Lemley, Mark A., Courts and the Patent System. Regulation, Vol. 32, No. 2, pp. 18-23, Summer 2009.

» Lemley, Mark A. and Shafir, Ziv, Who Chooses Open Source Software? (October 28, 2009). Stanford Law and Economics Olin Working Paper No. 382.

» Lemley, Mark A., Our Bizarre System for Proving Copyright Infringement (August 18, 2010).

» Lemley, Mark A., Can the Patent Office Be Fixed? (August 29, 2010). Stanford Law and Economics Olin Working Paper No. 396.

» Lemley, Mark A., Dealing With Overlapping Copyrights on the Internet. University of Dayton Law Review, Vol. 22, P. 547, 1997.

» Allison, John R. and Lemley, Mark A., Empirical Evidence on the Validity of Litigated Patents. American Intellectual Property Law

Association Quarterly Journal, Vol. 26, p. 185, 1998.

» Lemley, Mark A. and O'Brien, David W., Encouraging Software Reuse. Stanford Law Review, Vol. 49, P. 255, February 1997..

» Lemley, Mark A. and Moore, Kimberly A., Ending Abuse of Patent Continuations. Boston University Law Review, Vol. 84, p. 63, 2004.

» Lemley, Mark A. and Volokh, Eugene, Freedom of Speech and Injunctions in Intellectual Property Cases. Duke Law Journal, Vol. 48, p. 147, October 1998.

[back to top](#)

217 Leidesdorff Street
San Francisco, California 94111
P 415-362-6666 F 415-236-6300